REMARKS

Claims 1-18 and 20-24 were examined and stand rejected. Claim 19 has been withdrawn from consideration as being drawn to an invention that is patentably distinct from the examined claims. Claims 1-18 and 20-24 are also subject to restriction to a method of treating a blood product in which a polyaromatic hypercrosslinked resin is utilized in the claimed method, and if a claim generic to polyaromatic and non-polyaromatic hypercrosslinked resin is determined to be patentable, further examination of the unelected subject matter is to be examined. The application also purportedly fails to comply with 37 CFR 1.821(f) and (g). These objections and rejections are addressed in the appropriate sections below.

Claim 25 was added and claims 1, 8, and 20 were amended by the present Amendment. Consequently, the claims pending at this time are claims 1-25, with claim 19 having been withdrawn from consideration.

In view of the preceding amendments and the remarks made herein, the present application is believed to be in condition for allowance.

Sequence Rule Non-Compliance Rejection:

Please refer to the separate "Statement to Support Filing and Submission in accordance with 37 CFR 1.821-1.825" which accompanies this Amendment in Response.

Rejection Under 35 U.S.C. 112 second paragraph:

Claims 1-18 and 20-24 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1 and claims dependent thereon, the Office Action states that the language in the preamble, indicating the presence of a nucleic acid-containing pathogen to be inactivated, renders the claim indefinite because nothing in the actual claim steps are directed to such inactivation. Applicant submits that the amendment of claim 1 addresses this issue. Claim 1 now specifies that the conditions at irradiation are effective to inactive the pathogen, and that the mixture contains the inactivated pathogen. Support for the presently-claimed subject matter is found at page 11 lines 16-25, for instance.

With respect to claim 8 and claims dependent thereon, Applicant has amended claim 8 to specify that the blood product has been exposed to light in which the wavelength and amount of light cause the psoralen to covalently bind to a nucleic acid. Applicant has also amended claim 8 to specify that it is the irradiated psoralen free in solution that is removed from the blood product. This amendment does not preclude other blood components or other forms of psoralen from being removed by the hypercrosslinked resin, and it is submitted that this is clear from the claim language as amended.

Consequently, Applicant submits that all rejections under 35 U.S.C. Sec. 112 second paragraph have been addressed.

Rejection Under 35 U.S.C. 112 first paragraph:

Claims 1-18 and 20-24 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The rejection is based in the argument that the specification has not enabled irradiating a blood product over an unlimited range of irradiation, and the claims are not limited to allow only the specified amount of irradiation of blood product.

Applicant has amended the independent claims to specify conditions for irradiation that are sufficient to cause a psoralen to inactivate a pathogen. Applicant submits therefore that this rejection has been addressed.

Applicant notes the Examiner's comment expressing a concern about a statement in the specification at page 166 pertaining to platelet count maintenance. However, that statement is made in reference to particular psoralens but is not a statement establishing a requirement that all embodiments of the method of the presently-claimed invention must meet. Applicant wishes to clarify that some blood product damage or removal may occur under the best of conditions, and Applicant has not limited the claims to specify that no damage or loss occurs to blood product components by the discussion at page 166.

Amendment of claim 20

The amendment to claim 20 is not a narrowing amendment made for a reason related to patentability, and therefore claim 20 retains a scope of equivalents under the doctrine of equivalents.

Applicant submits that all of the rejections have been addressed and that the examined claims are allowable.

Restriction requirements

Applicant requests that the Examiner also rejoin and examine the unexamined species of a method involving the use of a non-polyaromatic resin. Further, Applicant requests that the Examiner rejoin claim 19 for consideration due to the presence of an allowable linking claim, claim 16.

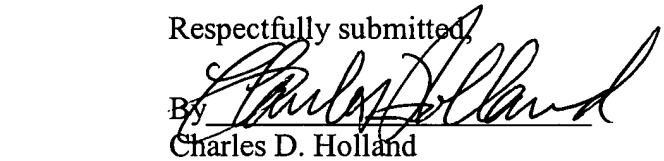
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.282172000810. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 4, 2004

Respectfully submitted,

By 

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